

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Bair Hugger Forced Air Warming
Devices Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates To:
ALL ACTIONS

**DECLARATION OF BENJAMIN
W. HULSE IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO
COMPEL DEFENDANTS' TO
SUPPLEMENT DISCOVERY
RESPONSES**

Benjamin W. Hulse, being first duly sworn, deposes and declares:

I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company and Arizant Healthcare Inc. (together, "Defendants") in this litigation. I submit this declaration in support of Defendants' Opposition to Plaintiffs' Motion to Compel Defendants' to Supplement Discovery Responses. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

1. Defendants made supplemental general causation document productions on March 27, 2017; March 31, 2017; April 17, 2017; May 3, 2017; June 7, 2017; June 22, 2017; July 14, 2017; August 1, 2017; and November 7, 2017.

2. Following argument on October 6, 2016, Magistrate Judge Noel issued Court Minutes noting that, with respect to Defendants' Interrogatories 3 and 8, and Document Requests 4 and 25, all Plaintiffs' counsel should serve responses. Dkt. No. 121. These requests pertain to general issues rather than case-specific issues. In the same Court

Minutes, Judge Noel stated that “Plaintiffs have volunteered to communicate with all of Plaintiffs’ counsel and to produce any responses received by the next status conference.”

Id. Based on my firm’s review of the file, 40 firms representing plaintiffs in this MDL have not supplied responses to Defendants’ Interrogatories 3 and 8 or Document Requests 4 and 25. These firms are as follows:

Attorney Brian White & Associates, P.C.	Chaffin Luhana LLP
Chappell, Smith & Arden, P.A.	Clifford A. Rieders, Esquire
Coburn & Greenbaum, PLLC	Colling Gilbert Wright & Carter, LLC
Consumer Law Group Professional Corporation	Delluomo & Crow, P.A.
DeSanto Morgan & Taylor	Dickson Law Office
Fears Nachawati, PLLC	Fitzgerald Law Group, LLC
Garcia & Martinez, L.L.P.	Hamilton Law Firm, P.C.
John J. Hopkins & Associates, P.C.	Johnston Law Group
Justinian & Associates PLLC	Kennedy Hodges
Law Office of Michael W. Patrick	KP Law, LLC
Law Offices of Andrew Sindler	Law Office of Vera Gretchyn Marino
Martin, Harding & Mazzotti, LLP	Law Offices of Charles H. Johnson
McGlynn, Glisson & Mouton	Martzell Bickford & Centola
Morris Law Firm	Meyerkord & Meyerkord, LLC
O’Conner & Thomas, P.C.	Napoli Shkolnik, PLLC
Sanders Phillips Grossman, LLC	Rosbach Law, P.C.

Solberg Stewart Miller

Swartz & Swartz, P.C.

The Ahearne Law Firm, PLLC

The Law Offices of Brian Timothy
Meyers

The Reardon Law Firm, P.C.

The Sanders Law Firm

The Simon Law Firm, P.C.

Thering & Associates, PLLC

3. Furthermore, based on my firm's review of the file, no firm representing plaintiffs in this MDL has served supplemental general causation discovery responses since the close of general causation discovery in March 2017. Dkt. No. 175 (PTO 17).

4. Attached as Defendants' Exhibit A is a true and correct copy of an excerpt from the published report of the 2018 International Consensus Meeting on Musculoskeletal Infection (ICM), available online at <https://icmphilly.com/2018/11/> (November 12, 2018).

5. Attached as Defendants' Exhibit B is a true and correct copy of the front matter from the published report of the 2018 ICM, which includes lists of sponsors and participants. This document is online at <https://icmphilly.com/document/icm-2018-front-matter> (November 12, 2018).

6. Attached as Defendants' Exhibit C is a true and correct copy of an excerpt from the August 18, 2016 Status Conference before the Honorable Franklin L. Noel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 17th day of January, 2019.

s/Benjamin W. Hulse

Benjamin W. Hulse